

AMENDED IN SENATE MAY 22, 1997

**SENATE BILL**

**No. 879**

**Introduced by Senator ~~Karnette~~ Johnston**

February 26, 1997

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An act to ~~amend Section 8399 of~~ *add Section 2081.4 to the Fish and Game Code, relating to fish endangered species, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 879, as amended, ~~Karnette~~ Johnston. ~~Fish-Endangered species.~~

*(1) Under the existing California Endangered Species Act, it is a misdemeanor to import, export, take, possess, purchase, or sell any species that the Fish and Game Commission has determined to be an endangered species or a threatened species, as defined, except as specified. Existing law requires the commission to maintain lists of threatened species and endangered species.*

*Existing law permits the Department of Fish and Game to authorize the import, export, take, or possession of any endangered species, threatened species, or candidate species for scientific, educational, or management purposes.*

*This bill would, additionally, authorize the department to issue a permit to authorize the incidental take of those species under specified conditions.*

*(2) Existing law requires the department to pay the costs of administration of the California Endangered Species Act from the continuously appropriated Endangered and Rare Fish, Wildlife, and Plant Species Conservation and*

*Enhancement Account in the Fish and Game Preservation Fund.*

*Because this bill would impose new duties on the department under this act, the bill would make an appropriation.*

~~Under existing law, squid may be taken for commercial purposes north of Point Conception all year subject to regulations of the Fish and Game Commission specifying the days of the week and the times of the day when squid may be taken.~~

~~This bill would delete the restriction on that authorization to north of Point Conception, would make that authorization expressly relate to taking for commercial purposes, and would authorize the commission to adopt those regulations, instead, upon the recommendation of the Director of Fish and Game. The bill would also delete the authorization to specify the days of the week and, instead, authorize specification of one day on the weekend when squid may not be taken for commercial purposes.~~

Vote: majority. Appropriation: ~~no~~—yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1.—Section 8399 of the Fish and Game Code~~

2 *SECTION 1. Section 2081.4 is added to the Fish and*  
3 *Game Code, to read:*

4 *2081.4. (a) The department may issue a permit,*  
5 *under the terms and conditions it prescribes, authorizing*  
6 *a taking otherwise prohibited by Section 2080 if that*  
7 *taking is incidental to, and not the purpose of, the*  
8 *carrying out of an otherwise lawful activity.*

9 *(b) No permit may be issued unless the applicant*  
10 *submits a conservation plan and the department, after*  
11 *providing an opportunity for public comment on the*  
12 *application and the plan, finds all of the following:*

13 *(1) The take will be incidental to an otherwise lawful*  
14 *activity or project.*

15 *(2) The applicant has made all reasonable efforts to*  
16 *avoid the taking.*

1 (3) The applicant will, to the maximum extent  
2 practicable, minimize and mitigate the impacts of the  
3 activity or project on the affected species and its habitat,  
4 including the provision of funding for the conservation  
5 plan when appropriate.

6 (4) The activity or project will not appreciably reduce  
7 the likelihood of the survival and recovery of the species  
8 in the wild.

9 (c) The department shall revoke a permit issued  
10 under this section if it finds that the permittee is not  
11 complying with the terms and conditions of the permit.

12 is amended to read:

13 ~~8399. Squid may be taken for commercial purposes~~  
14 ~~the year around; however, the commission may adopt~~  
15 ~~regulations, upon the recommendation of the director,~~  
16 ~~specifying the times of the day when squid may be taken~~  
17 ~~and the commission also may specify one day, either~~  
18 ~~Saturday or Sunday, when squid may not be taken for~~  
19 ~~commercial purposes.~~

